

FLOOR SCHEDULE FOR THURSDAY, MARCH 13, 2014

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	1:30 – 2:00 p.m.	4:30 – 5:30 p.m.

H.Res. 515 – Rule providing for consideration of both H.R. 3189 – Water Rights Protection Act (Rep. Tipton – Natural Resources/Agriculture) and H.R. 4015 – SGR Repeal and Medicare Provider Payment Modernization Act of 2014, as amended (Rep. Burgess – Energy and Commerce/Ways and Means/Judiciary) (One Hour of Debate). The Rules committee has recommended one Rule which provides for consideration of 2 bills.

For H.R. 3189, the Rules committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Natural Resources. The Rule allows for 2 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule also makes in order 1 amendment in the nature of a substitute, debatable for 20 minutes, equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For H.R. 4015, the Rules committee has recommended a closed Rule that provides for one hour of general debate with 30 minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Energy and Commerce and 30 minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Ways and Means. The Rule allows one motion to recommit, with or without instructions, and it also waives all points of order against the legislation.

The Rules Committee rejected a motion by Mr. McGovern of Massachusetts to make in order the Tierney Amendment, which would have paid for the permanent fix to SGR with funds from Overseas Contingency Operations (OCO). The Committee also rejected a motion by Ms. Slaughter of New York to consider both bills under an open Rule. **Members are urged to VOTE NO.**

Complete Consideration of H.R. 3973 – Faithful Execution of the Law Act of 2014 (Rep. DeSantis – Judiciary) (One Hour of Debate). Under current law, the Attorney General is required to report to Congress any instance when Department of Justice establishes or implements a formal or informal policy to refrain from enforcing, applying, or administering any federal law on the grounds that such provision is unconstitutional.

This bill would expand this reporting requirement, requiring all federal officials to report non-enforcement. Further, it would require these reports to state the grounds underlying any policy of non-enforcement, beyond just its unconstitutionality.

The bill would create a costly burden on executive branch employees. This bill would significantly impede the President carrying out his Constitutional duties, specifically, the prioritizing of limited resources of the Executive Branch for discretionary enforcement that benefits the nation. This practice has been carried out by previous Presidents and has been consistently upheld by the Supreme Court as being within the President’s authority under the “Take Care” clause. This bill is the result of partisan disagreement over how the President has chosen to exercise his enforcement discretion. This bill comes to the Floor as another partisan messaging bill.

The Rule makes in order no further general debate. As of last night, the House completed debate on all amendments. The following amendment is postponed:

Ellison Amendment. Waives reporting requirements provided in the bill if sufficient funds are not available to generate the increased volume of reports.

Bill Text for H.R. 3973:
[PDF Version](#)

Background for H.R. 3973:
[House Report \(HTML Version\)](#)
[House Report \(PDF Version\)](#)

H.R. 3189 – Water Rights Protection Act (Rep. Tipton – Natural Resources/Agriculture) (One Hour of Debate). This bill would strip federal land management agencies of their ability to condition water use in their permitting processes, essentially prohibiting them from enforcing protections of rivers and other water resources for fish, wildlife and recreation.

This bill is being brought to the Floor under the guise of resolving a conflict between the National Ski Resorts Association and the U.S. Forest Service regarding water rights. However, the legislation is drafted so broadly that it would negatively impact renewal of Bureau of Reclamation water contracts, National Park System management, mandatory conditioning requirements for Federal Energy Regulatory Commission hydropower relicenses, grazing and many other uses of public lands. If H.R. 3189 were to become law, federal land managers would no longer be able to restrict the use of water on federal lands, meaning water users could leave rivers and streams dry.

The Rule makes in order 2 amendments, each debatable for 10 minutes, and 1 amendment in the nature of a substitute, debatable for 20 minutes, equally divided between the offeror and an opponent. The amendments are:

Tipton Manager’s Amendment. Makes several clarifying technical changes to the bill, and clarifies that the Act will have no effect on Bureau of Reclamation contracts, implementation of the Endangered Species Act, certain existing federal reserved water rights, and certain authorities under the Federal Power Act.

Mullin Amendment. Adds a savings clause to the bill that states that nothing in the Act limits or expands the reserved water rights or treaty rights of federally recognized Native American tribes.

Polis Substitute Amendment. The amendment narrows the bill to its stated purpose. It mandates that the U.S. Forest Service may not condition ski area permits on the transfer of title of any water right or require any ski area permittee to acquire a water right in the name of the United States.

Bill Text for H.R. 3189:

[PDF Version](#)

Background for H.R. 3189:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

TOMORROW’S OUTLOOK

The GOP Leadership has announced the following schedule for Friday, March 14: The House will meet at 9:00 a.m. for legislative business. The House is expected to consider [H.R. 4015](#) – SGR Repeal and Medicare Provider Payment Modernization Act of 2014, as amended (Rep. Burgess – Energy and Commerce/Ways and Means/Judiciary).

The Daily Quote

“We have deep concerns about packaging the Medicare physician payment bill with legislation that would sever the link between the ACA’s individual mandate and its market reforms. The experience of states that attempted this in the 1990s demonstrates that removing this important linkage will result in more uninsured Americans, higher costs, and reduced choices for individuals and families. To avoid these outcomes, we are asking Congress to reject efforts to repeal or delay the individual mandate in the debate on Medicare physician payment reform.”

- America’s Health Insurance Plans, 3/11/14